



# Zoning Board of Appeals

Agenda 1/24/2020 10:54:52 AM CITY CLERK

February 13, 2020– 6:00 PM

New Bedford Main Library, 3<sup>rd</sup> Floor Meeting Room  
613 Pleasant Street, New Bedford, MA

## MEETING CALLED TO ORDER

## APPROVAL OF MINUTES

- December 12 meeting minutes

## SCHEDULED HEARINGS

- #4363** Notice is given of a public meeting to modify the decision granting a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2200 (use regulations), 2210 (general), 2230 (table of principal use regulations-Appendix A, commercial - #23 restaurant, fast food) and 5300-5330 & 5360-5390 (special permit); relative to the petition of: **Lee Miguel, D/B/A Miguel's Electric** (3 North Street Fairhaven, MA 02719) and **SITEC, Inc.** (449 Faunce Corner Road, Dartmouth, MA 02747) for property located at **1353 Purchase Street**, Assessors' map 66 lot 11 in a Mixed Use Business [MUB] zoned district **allowing the petitioner to convert the building into a fast food restaurant per plans filed.**
- #4394** Notice is given of a public hearing on the petition of: **PRL Realty, LLC, Patricia L. Andrade, Wayne G. Tessler & Pauline Massed; Trustee of Suite 5 Real Estate Trust, Elizabeth Silva & Durval Silva; Trustee of Suite 6 Realty Trust** (52-54 Brigham Street, New Bedford, MA 02740), **Cleanslate Centers, C/O Michael Keleher** (12 Cadillac Drive, Brentwood, TN 37027) and **Thomas P. Crotty & Associates PLLC**, (5 Dover Street, Ste 102, New Bedford, MA 02740) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2200 (use regulations), 2210 (general), 2230 (table of use regulations-Appendix A, commercial #25 medical offices, center or clinic) and 5300-5330 & 5360-5390 (special permit); relative to property located at **52-54 Brigham Street**, Assessors' map 39 lot 18A-D,F,H,K in a Mixed Use Business [MUB] zoned district. The petitioners are proposing to operate a medical office space for outpatient treatment per plans filed. **Continued Agenda Item from January 16, 2020.**
- #4407** Notice is given of a public hearing on the petition of: **City of New Bedford** (133 William Street, New Bedford, MA 02740) and **Waterfront Historic Area League (WHALE), C/O Teri Bernert** (15 Johnny Cake Hill, New Bedford, MA 02740) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2400 (nonconforming uses and structures), 2410 (applicability), 2430-2432 (nonconforming structures, other than single- and two- family structure) and 5300-5330 & 5360-5390 (special permit); relative to property located at **109 Hillman Street**, Assessors' map 58 lot 157 in a Mixed Use Business [MUB] zoned district. The petitioner is proposing to rehabilitate and change the use of an existing vacant building into a 9 unit mixed residential building per plans filed.
- #4408** Notice is given of a public hearing on the petition of: **Charter Dartmouth II, LLC, C/O Charter Realty & Development Corp.** (75 Holly Hill Lane, Suite 305, Greenwich, CT 06830) and **Mechanics Cooperative Bank, C/O John McMahon** (PO BOX 552, Taunton, MA 02780) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 3200 (sign regulations), 3201 (purpose), 3210 (general regulations), 3250 (regulation governing

particular types of signs), 3255 (area restrictions for ground signs-in Mixed Use Business districts, no ground sign shall exceed one square foot in area for each linear foot of street frontage of the lot upon which it is erected, but in no event shall such sign exceed twenty-five (25) SF in area, nor shall there be a distance of more than ten (10) Ft. from the ground to the bottom of the sign and more than fifteen (15) Ft. from the ground to the top of the sign) and 3256 (location restrictions. No ground sign shall project over a public way, nor shall a ground sign be located closer than six (6) Ft. from a lot line. Only one ground sign shall be permitted per lot in a Mixed Use Business district); relative to property located at **1238 Kempton Street**, Assessors' map 54 lot 6 in a Mixed Use Business [MUB] zoned district. The petitioners are proposing to install an electronic message board to a new free-standing ground sign which measures 121.4 SF, 10' to the bottom, 22'.3" to the top of the sign, and within 6' of the front lot line per plans filed.

**#4409** Notice is given of a public hearing on the petition of: **Charter Dartmouth II, LLC, C/O Charter Realty & Development Corp.** (75 Holly Hill Lane, Suite 305, Greenwich, CT 06830) and **Mechanics Cooperative Bank, C/O John McMahon** (PO BOX 552, Taunton, MA 02780) for an **Administrative Appeal** under Chapter 9, Comprehensive Zoning Sections 3200 (sign regulations), 3201 (purpose), 3220 (prohibited signs), 3222 (any sign which incorporates moving, flashing, animated or intermittent lighting, excluding public service signs such as those that display time and temperature), 5220 (powers) and 5223 (to hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L.A. c. 40A, §§ 7, 8 and 15); relative to property located at **1238 Kempton Street**, Assessors' map 54 lot 6 in a Mixed Use Business [MUB] zoned district. The petitioners are proposing to install an electronic message board to a new free-standing ground sign which measures 121.4 SF, 10' to the bottom, 22'.3" to the top of the sign, and within 6' of the front lot line per plans filed.

**#4410** Notice is given of a public hearing on the petition of: **Ian Shields**, (PO Box 51204, Boston, MA, 02205) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 3100 (parking and loading), 3110 (applicability), 3130 (table of parking loading requirements-Appendix C, business engaged in retail sale of goods and services, not elsewhere enumerated herein, business engaged in the warehousing and distribution of goods and materials including building & construction contractors, equipment & supplies on premises; relative to property located at **138-142 Arnold Street**, Assessors' map 45 lot 212 in a Mixed Use Business [MUB] zoned district. The petitioner is proposing to operate a grocery store, with no parking per plans submitted.

#### **OTHER BUSINESS**

- Next Scheduled Meeting will be held on Thursday, March 19, 2020

#### **ADJOURNMENT**

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In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact **Angela Goncalves at 508-979-1488** ([Angela.Goncalves@newbedford-ma.gov](mailto:Angela.Goncalves@newbedford-ma.gov)) or **Mass Relay 711**. Requests should be made as soon as possible but at least **48 hours** prior to the scheduled meeting.

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the extent permitted by law. Massachusetts General Laws, chapter 30A, Section 20(f) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.